

Remarks

The Office Action mailed May 23, 2005 has been carefully reviewed and the following remarks have been made in consequence thereof.

Applicant and the undersigned wish to express their appreciation to Examiner Morgan for the courtesies he extended during a telephone interview that occurred on June 20, 2005. During the interview, the Office Action dated May 23, 2005 was discussed. More specifically, the undersigned advised the Examiner that Applicant planned to file a response to the May 23, 2005 Office Action that: (i) respectfully traverses the assertions included in the Office Action regarding Applicant's February 16, 2005 Amendment, namely the assertion included in the Office Action that the "added material which is not supported by the original disclosure is as follows: The newly added recitation of 'controlling access to the server by the risk carrier and maintaining data stored within the database including storing data records relating to each of the identified risk cedents and providing to the identified risk cedents secure access to selected data records' within claims 1, 5, 8, 11, 16, 21, 22 and 26 appears to constitute new matter"; and (ii) describes the sections of the original specification that provides support for the recitations added to the claims in the February 16, 2005 Amendment.

The Examiner advised that he and his supervisor (Examiner Thomas) would consider Applicant's arguments regarding the "new matter" rejection. The Examiner further advised that the February 16th Amendment overcame the cited references and that the only remaining rejection was the "new matter" rejection.

The Examiner also advised that if he had any questions, after considering Applicant's arguments submitted in response to the May 23rd Office Action, the Examiner would contact the undersigned before issuing another Office Action. The following remarks have been made in consequence of the Examiner Interview.

Accordingly, Applicant respectfully submits that the present patent application is in condition for allowance.

Claims 1-29 are now pending in this application. Claims 1-29 stand rejected.

The objection to Claims 1, 5, 8, 11, 16, 21, 22 and 26 under 35 U.S.C. § 132 on the grounds that Applicant's Amendment filed February 16, 2005 introduces new matter into the disclosure is respectfully traversed.

The Office Action asserts with respect to Applicant's Amendment dated February 16, 2005 that the "added material which is not supported by the original disclosure is as follows: The newly added recitation of 'controlling access to the server by the risk carrier and maintaining data stored within the database including storing data records relating to each of the identified risk cedents and providing to the identified risk cedents secure access to selected data records' within claims 1, 5, 8, 11, 16, 21, 22 and 26 appears to constitute new matter."

The Office Action further asserts that "Applicant does not point to, nor was the Examiner able to find, any support for a 'controlling access to the server by the risk carrier' within the specification as originally filed."

Applicant respectfully traverses these assertions and respectfully submits that the original specification provides support for these recitations. For example, the Detailed Description of the Invention section of the originally filed patent application provides in relevant part as follows:

The network 1 is preferably conventional for internet applications and includes a database 5, an application server 6, a web server 7 and a firewall 8 which are selectively accessible through the internet 9 from computers 10 of end users. As used herein the database 5, the application server 6, web server 7, firewall 8 and software run thereon to store, provide access to and manipulate data stored in the database 5 or on the servers 6 and 7 and 8, may collectively be referred to as a server or system server 15. The system server 15 is generally assembled, operated, maintained and connected to the internet 9 by or under the authority of a reinsurer. (Emphasis added.) (Page 15, lines 12-23.)

In other words, according to the originally filed specification, the system server of the present invention is generally assembled, operated, maintained and connected to the Internet by or under the authority of the reinsurer (i.e., the risk carrier). Applicant respectfully submits that the originally filed specification supports the recitation "controlling access to the server by the risk

carrier” by describing a system server that is generally assembled, operated, maintained and connected to the Internet by or under the authority of the reinsurer. Accordingly, Applicant respectfully submits that one skilled in the art would understand after reading the originally filed specification that the system server is generally assembled, operated, maintained and connected to the Internet by or under the authority of the reinsurer (i.e., risk carrier), and as such access to the server is controlled by the risk carrier.

By way of further example, the originally filed patent application also provides in relevant part as follows:

In another preliminary step, the reinsurer solicits and enrolls or selects cedents, or their representatives, to utilize the interactive system to purchase reinsurance from the reinsurer. The reinsurer sets up separate data records, accounts or files for each primary insurer or user in the system server 15. Upon enrolling a user to utilize the interactive system 1, the reinsurer provides the user with a unique user identification designation (User ID) and a password to provide the user secure access to selected information in the system server 15. (Emphasis added.) (Page 17, lines 1-10.)

In other words, according to the originally filed specification, the reinsurer (i.e., the risk carrier) solicits and enrolls or selects cedents, or their representatives, to utilize the system to purchase reinsurance from the reinsurer; the reinsurer also sets up separate data records, accounts or files for each primary insurer or user in the system server; and upon enrolling a user to utilize the system, the reinsurer provides the user with a unique user identification designation (User ID) and a password to provide the user secure access to selected information in the system server. Accordingly, Applicant respectfully submits that the originally filed specification supports the recitation “...maintaining data stored within the database including storing data records relating to each of the identified risk cedents and providing to the identified risk cedents secure access to selected data records.”

By way of further example, the originally filed patent application also provides in relevant part as follows:

Based on the underwriting or evaluation of the insurance portfolios, as well as other business considerations, the reinsurer will determine which proposals to make available to which cedents. The proposals are entered into the system

server 15, and the system server 15 is programmed to associate each of the proposals with selected cedents, as determined by the reinsurer. (Emphasis added.) (Page 19, lines 7-13.)

Once the preliminary steps are completed, the users are notified that the system 1 is available for use. Alternatively, the selected users could be notified that the system 1 will be available for use on a predetermined date by which the reinsurer will have completed the preliminary steps. Most of the preliminary steps will be repeated on an annual basis. Each year the reinsurer will determine whether to enroll the same or additional users, recalculate its capacity, determine what proposals to make available to the various cedents, determine how to allocate its per occurrence capacity and cedent capacity, and reinitialize those values in the system server. (Emphasis added.) (Page 20, line 13 to Page 21, line 2.)

Buttons are also provided on the button bar 19 of the entry page 18 to link to non-user specific pages (not shown) including a Home page for the Reinsurer, a Contact Us page providing information to contact the Reinsurer and e-mail links for the Reinsurer, a Terms and Conditions page providing the terms and conditions of use of the interactive system 1, a Help page providing information to assist in use of the interactive system 1 and a Logout page. In a preferred embodiment, the users enter into a written agreement with the reinsurer covering use of the interactive system 1 before the system is made available to the user for use. (Emphasis added.) (Page 21, line 22 to Page 22, line 10.)

Applicant therefore respectfully submits that the originally filed specification provides support for the recitations included in the present claims. Specifically, Applicant submits that the recitation providing “controlling access to the server by the risk carrier and maintaining data stored within the database including storing data records relating to each of the identified risk cedents and providing to the identified risk cedents secure access to selected data records” is fully supported by the originally filed specification and is not new matter. Accordingly, Applicant respectfully requests that the objection of Claims 1, 5, 8, 11, 16, 21, 22 and 26 under Section 132 be withdrawn.

For the reasons set forth above, Applicant respectfully requests that the objection of Claims 1, 5, 8, 11, 16, 21, 22 and 26 under Section 132 be withdrawn.

The rejection of Claims 1-29 under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

Applicant respectfully submits that the specification meets the requirements of Section 112, first paragraph. Specifically, Applicant respectfully submits that the specification, including the Figures, would enable one skilled in the art to make and/or use the invention as described in the present patent application. Accordingly, Applicant respectfully requests that the rejection of Claims 1-29 under Section 112, first paragraph, be withdrawn.

The Office Action asserts that “on page 17, lines 1-10 and page 21, lines 3-10 of specification, describes in general, the use of password or used [sic] ID, in accessing a server...However, it is unclear how the control of the access to server is limited only to the risk carrier...As such, it would require undue experimentation on the part of one having skill in the art at the time of the invention to make and use the claimed invention.”

Applicant respectfully traverses this assertion. For the same reasons set forth above, Applicant respectfully submits that the originally filed specification provides support for the recitations included in the present claims. Specifically, Applicant submits that the recitation that provides “controlling access to the server by the risk carrier” is fully supported by the originally filed specification, and therefore, is not new matter as asserted by the Office Action. For example, page 15, lines 12-23 of the originally filed patent application provides in relevant part as follows:

The network 1 is preferably conventional for internet applications and includes a database 5, an application server 6, a web server 7 and a firewall 8 which are selectively accessible through the internet 9 from computers 10 of end users. As used herein the database 5, the application server 6, web server 7, firewall 8 and software run thereon to store, provide access to and manipulate data stored in the database 5 or on the servers 6 and 7 and 8, may collectively be referred to as a server or system server 15. The system server 15 is generally assembled, operated, maintained and connected to the internet 9 by or under the authority of a reinsurer. (Emphasis added.) (Page 15, lines 12-23.)

In other words, according to the originally filed specification, the system server of the present invention is generally assembled, operated, maintained and connected to the Internet by or under the authority of the reinsurer (i.e., the risk carrier). Applicant respectfully submits that one skilled in the art would understand after reading the originally filed specification that the system server is generally assembled, operated, maintained and connected to the Internet by or under the

authority of the reinsurer (i.e., risk carrier), and as such access to the server is controlled by the risk carrier. Accordingly, the originally filed specification supports the recitation “controlling access to the server by the risk carrier”.

In addition, as noted by the Office Action, page 17, lines 1-10 of the originally filed specification describes the use of password or user ID to provide the user with secure access to selected information in the system server. More specifically, page 17, lines 1-10 of the originally filed patent application provides as follows:

In another preliminary step, the reinsurer solicits and enrolls or selects cedents, or their representatives, to utilize the interactive system to purchase reinsurance from the reinsurer. The reinsurer sets up separate data records, accounts or files for each primary insurer or user in the system server 15. Upon enrolling a user to utilize the interactive system 1, the reinsurer provides the user with a unique user identification designation (User ID) and a password to provide the user secure access to selected information in the system server 15. (Emphasis added.) (Page 17, lines 1-10.)

In other words, according to the originally filed specification, the reinsurer (i.e., the risk carrier) solicits and enrolls or selects cedents, or their representatives, to utilize the system to purchase reinsurance from the reinsurer; the reinsurer also sets up separate data records, accounts or files for each primary insurer or user in the system server; and upon enrolling a user to utilize the system, the reinsurer provides the user with a unique user identification designation (User ID) and a password to provide the user secure access to selected information in the system server. Accordingly, Applicant respectfully submits that the originally filed specification supports the recitation “...maintaining data stored within the database including storing data records relating to each of the identified risk cedents and providing to the identified risk cedents secure access to selected data records.”

By way of further example, the originally filed patent application also provides in relevant part as follows:

Based on the underwriting or evaluation of the insurance portfolios, as well as other business considerations, the reinsurer will determine which proposals to make available to which cedents. The proposals are entered into the system server 15, and the system server 15 is programmed to associate each of the

proposals with selected cedents, as determined by the reinsurer. (Emphasis added.) (Page 19, lines 7-13.)

Once the preliminary steps are completed, the users are notified that the system 1 is available for use. Alternatively, the selected users could be notified that the system 1 will be available for use on a predetermined date by which the reinsurer will have completed the preliminary steps. Most of the preliminary steps will be repeated on an annual basis. Each year the reinsurer will determine whether to enroll the same or additional users, recalculate its capacity, determine what proposals to make available to the various cedents, determine how to allocate its per occurrence capacity and cedent capacity, and reinitialize those values in the system server. (Emphasis added.) (Page 20, line 13 to Page 21, line 2.)

Buttons are also provided on the button bar 19 of the entry page 18 to link to non-user specific pages (not shown) including a Home page for the Reinsurer, a Contact Us page providing information to contact the Reinsurer and e-mail links for the Reinsurer, a Terms and Conditions page providing the terms and conditions of use of the interactive system 1, a Help page providing information to assist in use of the interactive system 1 and a Logout page. In a preferred embodiment, the users enter into a written agreement with the reinsurer covering use of the interactive system 1 before the system is made available to the user for use. (Emphasis added.) (Page 21, line 22 to Page 22, line 10.)

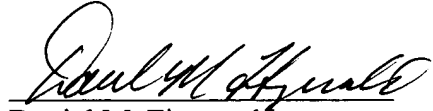
Applicant therefore respectfully submits that the originally filed specification provides support for the recitations included in the present claims. Specifically, Applicant submits that the recitation providing “controlling access to the server by the risk carrier and maintaining data stored within the database including storing data records relating to each of the identified risk cedents and providing to the identified risk cedents secure access to selected data records” is fully supported by the originally filed specification and is not new matter.

For at least the reasons set forth above, Applicant submits that the specification meets the requirements of Section 112, first paragraph. Specifically, Applicant respectfully submits that the specification, including the Figures, would enable one skilled in the art to make and/or use the invention as described in the present patent application. Accordingly, Applicant respectfully requests that the rejection of Claims 1-29 under Section 112, first paragraph, be withdrawn.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-29 under Section 112, first paragraph, be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Daniel M. Fitzgerald", is written over a horizontal line.

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